

**DISPOSITION:** On December 23, 1952, "Respondent's Answer" was filed, which did not state or establish the name of any person or concern having an interest in the property under seizure. Moreover, no claim of ownership to establish an interest in the seized property was filed. In these circumstances, a motion was made on behalf of the Government for the entry of a decree of condemnation. On June 23, 1953, after consideration of the Government's motion, judgment of condemnation was entered and the court ordered that the product be destroyed.

**4057. Misbranding of Radiant Ozone Generator. U. S. v. 1 Device, etc. (F. D. C. No. 34676. Sample No. 54761-L.)**

**LABEL FILED:** February 25, 1953, Eastern District of Michigan.

**ALLEGED SHIPMENT:** On or about November 30, 1952, J. C. Gage, doing business as Wayside Health Home, Eldorado Springs, Mo., delivered to Oscar E. Buchanan 1 device and accompanying printed matter which then were transported by Mr. Buchanan from Eldorado Springs, Mo., to Alma, Mich.

**PRODUCT:** 1 *Radiant Ozone Generator* at Alma, Mich., together with a number of mimeographed direction sheets, a mimeographed sheet headed "Color," a number of mimeographed sheets of testimonials, and a mimeographed copy of an affidavit, dated November 21, 1947, and signed by J. C. Gage, referring to the testimonials.

The device consisted essentially of a series of tubes, which were similar to neon tubes, with connections for attachment to a source of electric current.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements in the above-mentioned printed matter accompanying the device were false and misleading. The statements represented and suggested that the device would give one health and strength and help one to get well, and that it constituted an adequate and effective means for the treatment of arthritis, angina, diphtheria, mumps, whooping cough, asthma, bladder and kidney trouble, blood disorders, anemia, cancer, diabetes, cataract, catarrh, heart trouble, hay fever, colds, sinus trouble, liver trouble, neuritis, piles, prostate gland affections, colitis, constipation, pneumonia fever, paralysis, rheumatism, ulcers, sores, sprains, varicose veins, tuberculosis, mastoid affections, earache caused by cold or injury, migraine headaches, stiff knee, stiff hip, stiff back, swollen leg, bronchial disturbances, low blood pressure, weakened, rundown condition, piles, bloat, throat trouble, bruise, diseases caused by impure blood and poor circulation, nervous breakdown, crippled knee, nervousness, inflammation of kidneys, blood clots, flu, soreness in the neck, prostate gland trouble, stomach trouble, paralysis, high blood pressure, enlarged heart, appendicitis, boils, poison oak, chickenpox, sciatic rheumatism, headaches, cramps in the leg, gland trouble, and "all diseases known to suffering humanity." The device would not give one health and strength or help one to get well, and it did not constitute an adequate and effective means for the treatment of the conditions stated and implied.

**DISPOSITION:** April 16, 1953. Default decree of condemnation. The court ordered that the device and the printed matter be delivered to the Food and Drug Administration.

**4058. Misbranding of Radiant Ozone Generator. U. S. v. 1 Device, etc. (F. D. C. No. 34641. Sample No. 10079-L.)**

**LABEL FILED:** February 6, 1953, Eastern District of Wisconsin.

**ALLEGED SHIPMENT:** On or about December 5, 1952, from Eldorado Springs, Mo., by and on behalf of J. C. Gage.

**PRODUCT:** 1 *Radiant Ozone Generator* at Milwaukee, Wis., together with a set of mimeographed direction sheets, a mimeographed sheet headed "Color," a number of mimeographed sheets of testimonials, and a mimeographed copy of an affidavit, dated November 27, 1947, and signed by J. C. Gage, referring to the testimonials.

The device consisted essentially of a series of tubes, which were similar to neon tubes, with connections for attachment to a source of electric current.

**NATURE OF CHARGE:** Misbranding, Section 502 (a), certain statements on the above-mentioned mimeographed sheets and on the mimeographed copy of the affidavit accompanying the device were false and misleading. The statements represented and suggested that the device would give one health and strength and help one to get well, and that it constituted an adequate and effective means for the treatment of varicose veins, weakened, rundown condition, arthritis, sciatic rheumatism, cataract, headache, kidney trouble, asthma, anemia, colitis, sinus trouble, weak and nervous condition, hay fever, neuritis, chronic constipation, bronchial trouble, throat trouble, liver trouble, bruise, diabetes, low blood pressure, cold, cramps in the legs, stomach trouble, gland trouble, bloat, flu, pernicious anemia, appendicitis, impure blood, poor circulation, high blood pressure, enlarged heart, pleurisy, angina pectoris, pneumonia, sprains, neuralgia, blood clots, paralysis, catarrh of the nose and throat, sore throat, cuts, sores, backache, ear ailment, crippled knee, chicken-pox, eczema, wen, loss of voice, broken ankle, piles, boil, poison oak, diphtheria, mumps, whooping cough, blood disorders, cancer, ulcers, tuberculosis, mastoid trouble, earache, heart trouble, prostate gland trouble, and "all diseases known to suffering humanity." The device was not capable of fulfilling the promises of benefit made for it, and it did not constitute an adequate and effective means of treating the conditions stated and implied.

**DISPOSITION:** May 7, 1953. Default decree of condemnation and destruction. On May 11, 1953, the decree was amended to provide for the delivery of the device and the accompanying literature, to the Food and Drug Administration.

#### **DRUGS ACTIONABLE BECAUSE OF FAILURE TO COMPLY WITH PACKAGING REQUIREMENTS OF AN OFFICIAL COMPENDIUM**

**4059. Misbranding of citrate of magnesia. U. S. v. 14 Cases \* \* \*. (F. D. C. No. 34619. Sample No. 66998-L.)**

**LABEL FILED:** January 21, 1953, District of New Jersey.

**ALLEGED SHIPMENT:** On or about July 8, 1952, by the Philadelphia Magnesia Co., from Philadelphia, Pa.

**PRODUCT:** 14 cases, each containing 24 11½-ounce bottles, of *citrate of magnesia* at Camden, N. J.

**LABEL, IN PART:** (Bottle) "Penn Brand Pasteurized Effervescent Solution of Citrate of Magnesia U. S. P."

**NATURE OF CHARGE:** Misbranding, Section 502 (g), the article purported to be and was represented as "Magnesium Citrate Solution," a drug, the name of which is recognized in the United States Pharmacopeia, an official compendium, and it was not labeled as prescribed therein since it contained benzoic acid, a preservative, and the presence and proportion of such preservative was not plainly stated on the label, as required by the compendium.